

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
: JOHN DOE and JANE DOE, Individually and on behalf
of M.S. an Infant, as Next Friends,
:
:Plaintiffs,
:
:

14 Civ. 2953 (PAE)

-v-

: ANTHONY ANNUCCI, Acting Commissioner of the
New York State Department of Corrections and
Community Supervision; JOSEPH LIMA, Bureau Chief
of the Manhattan VI Area Office of the New York State
Division of Parole; Parole Officer EMILY SCOTT;
Parole Officer SIMON VALERIO; Senior Parole
Officer RICHARD ROSADO; and Senior Parole Officer
JAMES CAPPIELLO,
:
:Defendants.
:
:
-----XORDER

PAUL A. ENGELMAYER, District Judge:

On August 26, 2015, the Court issued an order that, first, determined that it lacked jurisdiction over defendant Annucci pending his interlocutory appeal of the Court's denial of his motion to dismiss on sovereign immunity grounds, and second, stayed all proceedings in the case, currently in discovery, as to defendant Annucci through March 3, 2016, the date of the next case conference. Dkt. 176. On October 2, 2015, the Second Circuit "So Ordered" a stipulation entered into between the parties withdrawing defendant Annucci's appeal. Dkt. 190.

With the appeal now withdrawn, there is no longer any basis for defendant Annucci to object to the Court's jurisdiction over him, or to request the stay of all proceedings as to him. *See* Dkt. 173. The Court therefore finds that it has jurisdiction over defendant Annucci and lifts the stay granted as to him in the Court's August 26, 2015 order.

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SO ORDERED.

Paul A. Engelmayer

Paul A. Engelmayer
United States District Judge

Dated: October 6, 2015
New York, New York